


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C.

§ 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 31) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge’s Report (Docket No. 31) be **ADOPTED** and that the federal claims against Defendant Crowley are **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim under 28 U.S.C. §1915A(b) for purposes of *in forma pauperis* proceedings. The state law claims against Defendant Crowley are **DISMISSED WITH PREJUDICE** as to their refiling in federal court, but **DISMISSED WITHOUT PREJUDICE** to Plaintiff’s right to bring these claims in the courts of the State of Texas. The limitations period for Plaintiff’s state law claims shall be tolled from the time of the filing of this lawsuit until 30 days after the issuance of this Order.

So **ORDERED** and **SIGNED** this **18th** day of **September, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE